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April 5, 2024

By ECF

Hon. Jesse M. Furman
United States District Court for the
Southern District of New York
40 Foley Square
New York, New York 10007

Re: UMB Bank, N.A. v. Bristol-Myers Squibb Company, No. 21 Civ. 4897 (JMF)

Dear Judge Furman:

We represent defendant Bristol-Myers Squibb Company (“BMS”) in this action. In accordance with the Court’s Individual Rules and Practices in Civil Cases, I am writing to request leave of the Court to file under seal an excerpt from the deposition of Gavin Wilkinson being submitted today in support of BMS’s reply memorandum in further support of its motion to dismiss for lack of subject matter jurisdiction.

The testimony was designated confidential by plaintiff UMB Bank N.A. (“UMB”) under the Stipulation and Order Governing Confidentiality of Discovery Materials and Preservation of Privilege entered by the Court on August 9, 2022 [ECF No. 41]. The excerpt from that testimony to be filed under seal concerns provisions of the Prepaid Forward Agreement dated February 23, 2021, among UMB and various other parties, which UMB has designated “Highly Confidential.” The Prepaid Forward Agreement was one of the exhibits addressed in our earlier letter motion for a sealing order, filed February 2, 2024, which the Court granted temporarily in an order entered on February 6, 2024 [ECF No. 78].

BMS separately is filing on the public docket a redacted version of its reply memorandum. The limited redactions shield from public view any quotation from the deposition excerpt referred to above. We are submitting an unredacted copy of the reply under seal in which the proposed redactions have been highlighted.



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Of Counsel:

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Respectfully submitted,

DLA PIPER LLP (US)

/s/ John J. Clarke, Jr.

John J. Clarke, Jr

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion.

SO ORDERED

A handwritten signature in black ink, appearing to read 'John J. Clarke, Jr.'

April 8, 2024